

By: Swanson

H.B. No. 29

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2165, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC BUILDINGS

Sec. 2165.451. APPLICABILITY. (a) This subchapter applies to a building or portion of a building:

(1) that is:

(A) used by an agency of this state; and

(B) generally open to the public; and

(2) in which:

(A) carrying a handgun or other firearm, location-restricted knife, club, or other weapon on the premises or part of the premises would violate Chapter 46, Penal Code, or other law; or

(B) the state agency in control of the building, by sign or otherwise, prohibits handguns or other firearms, location-restricted knives, clubs, or other weapons on the premises or part of the premises.

(b) This subchapter does not apply to:

(1) a penal institution, as that term is defined by

1 Section 1.07, Penal Code; or

2 (2) a public primary or secondary school or  
3 institution of higher education.

4 Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) A  
5 state agency may provide temporary secure weapon storage for a  
6 building or portion of a building to which this subchapter applies  
7 for persons who enter the building or portion of the building with a  
8 weapon prohibited in that building or portion of the building.

9 (b) The temporary secure weapon storage may be provided by:

10 (1) self-service weapon lockers described by Section  
11 2165.453; or

12 (2) other temporary secure weapon storage operated at  
13 all times by a designated state agency employee under Section  
14 2165.454.

15 Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY  
16 SECURE STORAGE. (a) A state agency may provide self-service weapon  
17 lockers for the temporary secure storage of any weapon prohibited  
18 in a building or portion of a building.

19 (b) A self-service weapon locker must allow secure locking  
20 by the user and:

21 (1) provide a key for reopening; or

22 (2) reopen by electronic means, such as by a  
23 fingerprint scan or entry of a numeric code.

24 (c) A state agency may require a person to submit the  
25 person's name, the number of the person's driver's license or other  
26 form of identification, and the person's telephone number as a  
27 condition for use of a self-service weapon locker.

1       Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE  
2 ADMINISTERED BY AGENCY EMPLOYEE. (a) A state agency may provide  
3 temporary secure weapon storage operated by a designated agency  
4 employee for a building or portion of a building in which weapons  
5 are prohibited.

6       (b) The weapons in temporary secure weapon storage must be  
7 held in a safe, locker, or other location that is locked and  
8 accessible only to the designated employee.

9       (c) If a person chooses to give to the designated employee  
10 the person's weapon for temporary secure storage, the employee  
11 shall:

12               (1) securely affix a claim tag to the weapon;

13               (2) provide the person with a claim receipt for  
14 reclaiming the weapon; and

15               (3) record the person's name, the number of the  
16 person's driver's license or other form of identification, and the  
17 person's telephone number.

18       (d) A person may reclaim the person's weapon by showing the  
19 designated employee operating the temporary secure weapon storage:

20               (1) the claim receipt given to the person at the time  
21 the weapon was placed in temporary secure storage; or

22               (2) the person's driver's license or other form of  
23 identification.

24       (e) A state agency that provides temporary secure weapon  
25 storage under this section shall ensure that:

26               (1) the temporary secure weapon storage is available  
27 and monitored by a designated agency employee at all times that the

1 building or portion of the building is open to the public; and

2 (2) a person who is choosing to place the weapon in  
3 storage or retrieving the weapon from storage is not required to  
4 wait more than five minutes.

5 Sec. 2165.455. FEES. A state agency under this subchapter  
6 may collect a fee for the use of a self-service weapon locker or  
7 other temporary secure weapon storage.

8 Sec. 2165.456. UNCLAIMED WEAPONS. (a) A weapon that is  
9 unclaimed at the end of a business day may be removed from the  
10 self-service weapon locker or other temporary secure storage and  
11 placed in another secure location.

12 (b) If practicable, the state agency shall notify the person  
13 who placed the weapon in a self-service weapon locker or other  
14 temporary secure storage that the weapon is in the custody of the  
15 state agency and is subject to forfeiture if not reclaimed before  
16 the 30th day after the date the weapon was placed in a self-service  
17 weapon locker or other temporary secure storage. If the person  
18 provided a telephone number when the weapon was placed in a  
19 self-service weapon locker or other temporary secure storage, the  
20 state agency shall notify the person by using that telephone  
21 number.

22 (c) At each location where a weapon may be placed in a  
23 self-service weapon locker or other temporary secure storage, the  
24 state agency shall post a sign that describes the process for  
25 reclaiming a weapon left in a self-service weapon locker or other  
26 temporary secure storage for more than one business day.

27 (d) The state agency may require identification or other

1 evidence of ownership before returning the unclaimed weapon. On  
2 return of the weapon, the state agency may charge a fee for the  
3 extended storage of the weapon.

4 (e) If the weapon is not reclaimed before the 30th day after  
5 the date the weapon was placed in a self-service weapon locker or  
6 other temporary secure storage, the weapon is forfeited.

7 (f) If the forfeited weapon may not be legally possessed in  
8 this state, the state agency shall turn the weapon over to local law  
9 enforcement as evidence or for destruction.

10 (g) If a person may legally possess the weapon in this  
11 state, the weapon may be sold at public sale by an auctioneer  
12 licensed under Chapter 1802, Occupations Code.

13 (h) Only a firearms dealer licensed under 18 U.S.C. Section  
14 923 may purchase a firearm at public sale under this section.

15 (i) Proceeds from the sale of a weapon under this section  
16 shall be transferred, after the deduction of auction costs, to the  
17 general revenue fund.

18 SECTION 2. Subtitle C, Title 11, Local Government Code, is  
19 amended by adding Chapter 365 to read as follows:

20 CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC  
21 BUILDINGS

22 Sec. 365.001. APPLICABILITY. (a) This chapter applies to a  
23 building or portion of a building:

24 (1) that is:

25 (A) used by a political subdivision of this  
26 state; and

27 (B) generally open to the public; and

1           (2) in which:

2                   (A) carrying a handgun or other firearm,  
3 location-restricted knife, club, or other weapon on the premises or  
4 part of the premises would violate Chapter 46, Penal Code, or other  
5 law; or

6                   (B) the political subdivision in control of the  
7 building, by sign or otherwise, prohibits handguns or other  
8 firearms, location-restricted knives, clubs, or other weapons on  
9 the premises or part of the premises.

10           (b) This chapter does not apply to:

11                   (1) a penal institution, as that term is defined by  
12 Section 1.07, Penal Code; or

13                   (2) a public primary or secondary school or  
14 institution of higher education.

15           Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A  
16 political subdivision may provide temporary secure weapon storage  
17 for a building or portion of a building to which this chapter  
18 applies for persons who enter the building or portion of the  
19 building with a weapon prohibited in that building or portion of the  
20 building.

21           (b) The temporary secure weapon storage may be provided by:

22                   (1) self-service weapon lockers described by Section  
23 365.003; or

24                   (2) other temporary secure weapon storage operated at  
25 all times by a designated employee of the political subdivision  
26 under Section 365.004.

27           Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY

1 SECURE STORAGE. (a) A political subdivision may provide  
2 self-service weapon lockers for the temporary secure storage of any  
3 weapon prohibited in a building or portion of a building.

4 (b) A self-service weapon locker must allow secure locking  
5 by the user and:

6 (1) provide a key for reopening; or

7 (2) reopen by electronic means, such as by a  
8 fingerprint scan or entry of a numeric code.

9 (c) A political subdivision may require a person to submit  
10 the person's name, the number of the person's driver's license or  
11 other form of identification, and the person's telephone number as  
12 a condition for use of a self-service weapon locker.

13 Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED  
14 BY EMPLOYEE OF POLITICAL SUBDIVISION. (a) A political subdivision  
15 may provide temporary secure weapon storage operated by a  
16 designated employee of the political subdivision for a building or  
17 portion of a building in which weapons are prohibited.

18 (b) The weapons in temporary secure weapon storage must be  
19 held in a safe, locker, or other location that is locked and  
20 accessible only to the designated employee.

21 (c) If a person chooses to give to the designated employee  
22 the person's weapon for temporary secure storage, the employee  
23 shall:

24 (1) securely affix a claim tag to the weapon;

25 (2) provide the person with a claim receipt for  
26 reclaiming the weapon; and

27 (3) record the person's name, the number of the

1 person's driver's license or other form of identification, and the  
2 person's telephone number.

3 (d) A person may reclaim the person's weapon by showing the  
4 designated employee operating the temporary secure weapon storage:

5 (1) the claim receipt given to the person at the time  
6 the weapon was placed in temporary secure storage; or

7 (2) the person's driver's license or other form of  
8 identification.

9 (e) A political subdivision that provides temporary secure  
10 weapon storage under this section shall ensure that:

11 (1) the temporary secure weapon storage is available  
12 and monitored by a designated employee of the political subdivision  
13 at all times that the building or portion of the building is open to  
14 the public; and

15 (2) a person who is choosing to place the weapon in  
16 storage or retrieving the weapon from storage is not required to  
17 wait more than five minutes.

18 Sec. 365.005. FEES. A political subdivision under this  
19 chapter may collect a fee for the use of a self-service weapon  
20 locker or other temporary secure weapon storage.

21 Sec. 365.006. UNCLAIMED WEAPONS. (a) A weapon that is  
22 unclaimed at the end of a business day may be removed from the  
23 self-service weapon locker or other temporary secure storage and  
24 placed in another secure location.

25 (b) If practicable, the political subdivision shall notify  
26 the person who placed the weapon in a self-service weapon locker or  
27 other temporary secure storage that the weapon is in the custody of

1 the political subdivision and is subject to forfeiture if not  
2 reclaimed before the 30th day after the date the weapon was placed  
3 in a self-service weapon locker or other temporary secure storage.  
4 If the person provided a telephone number when the weapon was placed  
5 in a self-service weapon locker or other temporary secure storage,  
6 the political subdivision shall notify the person by using that  
7 telephone number.

8 (c) At each location where a weapon may be placed in a  
9 self-service weapon locker or other temporary secure storage, the  
10 political subdivision shall post a sign that describes the process  
11 for reclaiming a weapon left in a self-service weapon locker or  
12 other temporary secure storage for more than one business day.

13 (d) The political subdivision may require identification or  
14 other evidence of ownership before returning the unclaimed weapon.  
15 On return of the weapon, the political subdivision may charge a fee  
16 for the extended storage of the weapon.

17 (e) If the weapon is not reclaimed before the 30th day after  
18 the date the weapon was placed in a self-service weapon locker or  
19 other temporary secure storage, the weapon is forfeited.

20 (f) If the forfeited weapon may not be legally possessed in  
21 this state, the political subdivision shall turn the weapon over to  
22 local law enforcement as evidence or for destruction.

23 (g) If a person may legally possess the weapon in this  
24 state, the weapon may be sold at public sale by an auctioneer  
25 licensed under Chapter 1802, Occupations Code.

26 (h) Only a firearms dealer licensed under 18 U.S.C. Section  
27 923 may purchase a firearm at public sale under this section.

1        (i) Proceeds from the sale of a weapon under this section  
2 shall be transferred, after the deduction of auction costs, to the  
3 treasury of the political subdivision.

4        SECTION 3. This Act takes effect September 1, 2021.